

Exhibit

3



Joel B. Rothman

Board Certified in Intellectual Property Law

Direct: 561.404.4335

joel.rothman@sriplaw.com

October 23, 2020

VIA EMAIL: customer@snapfinance.com

Mr. Matt Hawkins
Snap Finance LLC
PO Box 26561
Salt Lake City, UT 84126

**Re: Latza v. Snap Finance LLC
Our File No.: 00712-0004**

Dear Mr. Hawkins,

We are a law firm making a claim on behalf of our client. We know that this is reaching you during a difficult and trying time and that you may have more pressing concerns. We appreciate that responding to this letter may not be your first priority. However, we must receive a response from you so that we know that you are taking this matter seriously, even if you need more time to hire a lawyer or report this claim to your insurance carrier. If we hear from you then we can work with you to understand your position and resolve our client's claim. Please respond to us.

We write on behalf of our client Greg Eugene Latza, a photographer, for purposes of resolving a case of copyright infringement against you by our client. This demand is privileged from disclosure pursuant to FRE Rule 408.

Please provide this letter to your general liability insurance carriers or other providers of insurance that may cover this claim and refer them to the enclosed demand pursuant to § 627.4137, Florida Statutes, for insurance information in this matter.

Greg Eugene Latza ("Latza")

Our client is an experienced professional photographer who makes a living from photography. Latza is based in South Dakota and shoots a wide range of photographs around America. Latza's photos consist mostly of agricultural, natural, and land-based photographs capturing the true essence of nature.

Latza retains all copyrights to his photographs. Latza licenses his copyrighted Works, such as the one in this case, for commercial use.

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Latza created the image, hereinafter referred to as the "Work."

The Work at issue is shown below.



Latza registered the Work with the Register of Copyrights on March 4, 2020 and was assigned the registration number VA 2-193-804, a copy of which is enclosed.

Infringement by Snap Finance LLC ("SF")

We have enclosed contemporaneous evidence of the infringement by SF. In addition to the infringement, Latza's photograph was very obviously cropped as shown on the attached. You have employed our client's Work in at least the manner indicated in the evidence attached. You are fully aware that the Work you used is our client's Work. No one from your company ever sought a license from our client to use the Work for any purpose.

You have copied, displayed and distributed our client's Work without permission, license or consent. The use of a creator's photographic image without written consent or license violates the United States Code, Title 17, and The Copyright Act. The Copyright Act provides for entry of an injunction directing removal of the offending materials pending litigation. This letter shall serve as formal notice that you immediately cease and desist all unauthorized uses of our client's Work. Any such further uses shall be at your peril.

If you possess a contract, license, agreement or writing on which you will rely for authorization of your use of our client's Work, please provide us with this evidence so we may avoid further controversy or litigation. Otherwise, we will be forced to assume that your use violated the law.

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Damages

Copyright law provides several different elements of compensation to Latza when a work is infringed or altered. Section 504 permits Latza to recover actual damages plus “any additional profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages,” or statutory damages of up to \$150,000 per work infringed if the registration predated the infringement. Latza can present both damages theories to the jury and select the higher award any time prior to entry of judgment.

Academic studies have demonstrated that the use of good quality photographs more effectively market and advertise products and drive sales. Latza's photographs are of the highest quality. Latza's photographs are also scarce since he is one of the only sources of such quality photographs.

Latza's damages are not limited to what he would have agreed to license the Work for prior to the infringement. Rather, Latza's actual damages will be measured by the fair market value of the photograph considering SF's use to sell and promote its business. Latza's actual damages must be measured in light of SF's use of Latza's high quality and unique Work.

This is consistent with federal courts' approach to broadly construing the term “actual damages” to favor victims of infringement. See, e.g., *Davis v. Gap, Inc.*, 246 F.3d 152, 164 (2d Cir. 2001). The fair market value approach for calculating damages is an accepted approach to valuing the defendants' uses of photographs. See *Leonard v. Stemtech Int'l, Inc.*, Nos. 15-3198, 15-3247, 2016 U.S. App. LEXIS 15565 (3d Cir. Aug. 24, 2016). In addition, Latza can offer evidence of the actual cost to take the photograph infringed on a time and materials basis.

Section 504 of the Copyright Act permits Latza to recover actual damages plus “any additional profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages.” Therefore, Latza will also be entitled to SF's profits from the infringement, based upon the revenue SF earned in connection with the use of Latza's Work.

Alternatively, Latza could seek statutory damages for infringement in an amount of up to \$30,000 per work infringed if the registration predated the infringement. There is also the possibility that a judge or jury could determine that SF's infringement was willful. If SF's infringement was shown to be willful, the statutory damage award would increase to an amount up to \$150,000 per work infringed.

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Demand

In order to determine how to proceed, please provide us with information and documents showing:

1. the full nature and extent of the use of our client's Work, in any and all formats;
2. representative copies in any and all tangible form and media in which our client's Work was incorporated or employed; and
3. the source of the Work.

Upon receipt of this information we will consider and determine an appropriate amount required to be paid to our client in compensation.

Please carefully consider this letter and the associated exhibits and provide them to your attorneys and insurance carriers. If we do not receive a response from you or a representative by November 6, 2020, we will take further steps to protect our client's rights.

We look forward to your prompt response.

Sincerely,

SRIPLAW



Joel B. Rothman

JBR/jmb
Enclosures

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Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marie Stang
Acting United States Register of Copyrights and Director

Registration Number

VA 2-193-804

Effective Date of Registration:

January 21, 2020

Registration Decision Date:

March 04, 2020

Copyright Registration for a Group of Published Photographs

Registration issued pursuant to 37 C.F.R. § 202.4(i)

For Photographs Published: January 28, 2012 to December 31, 2012

Title

Title of Group: 2012 Published Photographs by Greg Latza Case #1-8469664280 Title List
Number of Photographs in Group: 577

Completion/Publication

Year of Completion: 2012
Earliest Publication Date in Group: January 28, 2012
Latest Publication Date in Group: December 31, 2012
Nation of First Publication: United States

Author

• Author: Greg Eugene Latza
Pseudonym: Greg Eugene Latza
Author Created: photographs
Work made for hire: No
Citizen of: United States
Domiciled in: United States
Year Born: 1970

Copyright Claimant

Copyright Claimant: Greg Latza
1208 S. Aberdeen Ave, Sioux Falls, SD, 57106, United States

Rights and Permissions

Organization Name: PeopleScapes Inc.
Name: Greg Eugene Latza

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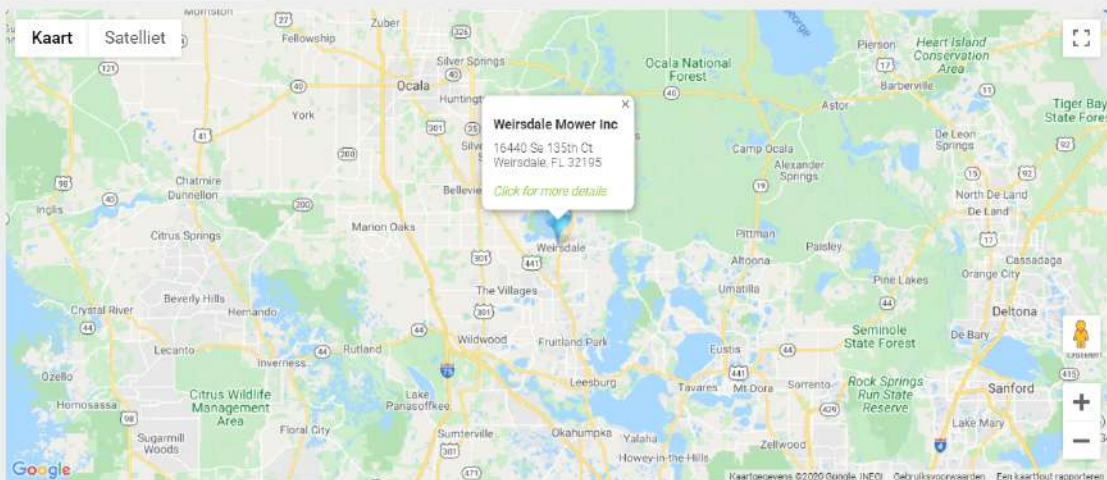
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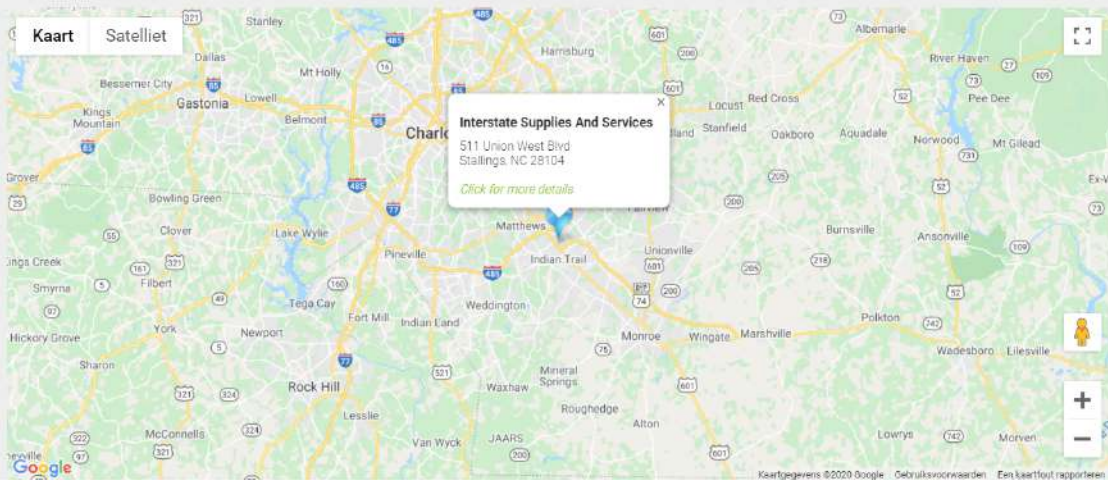
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